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In re Application of	:	
Mario Sacchetti et al.	:	
U.S. Application No.: 10/030,466	:	
PCT No.: PCT/EP01/05254	:	
Int. Filing Date: 07 May 2001	:	DECISION ON PETITION
Priority Date: 12 May 2000	:	
For: PRE-POLYMERIZED CATALYST	:	UNDER 37 CFR 1.181
COMPONENTS FOR THE POLYMERIZATION :		
OF OLEFINS	:	

This is in response to applicants' LETTER REGARDING MISSING REQUIREMENTS UNDER 35 USC 371 filed on 30 May 2002 which is being treated as a petition under 37 CFR 1.181 to vacate the Notice Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) mailed 13 March 2002.

The petition is **GRANTED**.

**BACKGROUND**

On 07 May 2001, applicants filed international application PCT/EP01/05254, which claimed priority of earlier European application 00201702.8 filed 12 May 2000. A copy of the international application was timely received by the United States Patent and Trademark Office (PTO) from the International Bureau. The twenty month period for entry into the

into the national stage in the United States expired at midnight on 14 January 2002 (12 January 2002 being a Saturday).

On 08 January 2002, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States under 35 USC 371, accompanied by, *inter alia*, the requisite basic national fee, a preliminary amendment, and a copy of the PCT Request (Form PCT/RO/101).

On 13 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) requiring applicant to submit an oath or declaration in compliance with 37 CFR 1.497(a) and (b). The Notification set a TWO (2) Month period for response.

On 30 May 2002, applicants submitted the instant petition. The petition was accompanied by a copy of the PCT Request (Form PCT/RO/101) and indicates that a declaration of inventorship under PCT Rule 4.17(iv) was filed on the international filing date as a part of the PCT Request.

### DISCUSSION

A review of the file indicates that applicants provided a copy of the PCT Request on 08 January 2002. The Request includes a declaration of inventorship under PCT Rule 4.17(iv) and is properly executed by virtue of the signatures of inventors Mario Sacchetti, Diego Brita, and Gianni Collina in Box No. X of the Request.

Furthermore, the International Bureau has now provided a complete copy of the PCT Request which includes the declaration of inventorship under PCT Rule 4.17 (iv).

### CONCLUSION

For the reasons above, the Notification of Missing Requirements mailed 13 March 2002 is VACATED.

U.S. Application No.: 10/030,466

This application is being returned to the DO/EO/US for processing in accordance with this decision, including issuance of a Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 date of 08 January 2002.



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